

R E M A R K S

Claim 56 was rejected under 35 USC 112. Claim 56 is amended to overcome the rejection.

Claim 56 was rejected under 35 USC 103 as being unpatentable over Muftic, US Patent 5,745,574 in view of Van Oorschot et al, US Patent 5,699,431. Applicant respectfully traverses.

Applicant argued in the previous filing that Examiner does not identify any element that constitutes the “revocation authority” that is connected to a public network.

In the Advisory action the Examiner has still not identified this element.

Either the element does not exist, in which case applicant is entitled to such an admission from the Examiner, or the element exists (at least in the Examiner’s view), in which case applicant is entitled to have the Examiner explicitly identify it.

The Examiner had pointed to a text passage that speaks of a “certificate revocation list” and asserted that the cited text teaches the module within the certification authority because, “the list itself can be reasonably interpreted as a single validity statement, regardless of whether it denotes a single certificate or a list of certificates.” Respectfully that does not teach, or even suggest, that the module is within some element that corresponds to the revocation authority.

Nevertheless, claim 56 is amended, and in its amended form, it specifies

a module within said revocation authority server configured to store in a memory that is coupled to said revocation authority via said network, a validity statement in response to a received second policy that is time-of-day sensitive, and to update said validity statement at specified intervals, said validity statement pertaining solely said user and including an explicit verification status for said user as of a specified date and time

- The amended clause explicitly specifies that the memory into which the validity statement is stored is coupled to the revocation authority via the public network (i.e., the memory is outside the revocation authority).
- The amended clause explicitly specifies that the storing of the validity statement is in response to a policy that is time-of-day sensitive (this is in contrast to the other policy that is defined in amended claim 56, which is a policy that establishes identity of said user in said network).

- The amended clause specifies that the validity statement pertains “solely to said user” (nullifying the Examiner’s argument about the entire list corresponds to the validity statement).
- The amended clause specifies that the validity statement provides an explicit status (this contrasts with the reference, where the status of a user is identified by the nature of the list where the user is identified).

It is respectfully submitted that the “module within said revocation authority” that is specified in amended claim 56 is not found in the cited references, taken singly or in combination.

The Examiner asserts that applicant’s argument that Muftic does not disclose a request by the user computer to have its own identification certificate and its corresponding validity statement *is ineffective* because this limitation is not in the claim. The Examiner is correct the claim does not have a limitation precisely as expressed by the Examiner but, respectfully, the Examiner is missing the point; because the claim does explicitly specify that the identification certificate and said validity statement retrieved from said memory are provided in response to a request (“second request” in amended claim 56); and there is no teaching in the references to that effect.

Lastly amended claim 56 specifies that the identification authority server and the revocation authority server interact with the verification authority server and the user computer through the public network, which means that the identification authority and the revocation authority servers are necessarily distinct from the verification authority server. That is not the case in the cited references.

Regarding obviousness in view of the Van Oorschot reference, the Examiner states that “the Muftic reference does not appear to explicitly teach away from modifying the invention with the features of Van Oorschot et al....” Respectfully, the test for obviousness is NOT whether the reference “explicitly teaches away from modifying”. Applicant’s representative is not aware that any court has adopted such a test, and if the Examiner believes to the contrary, a citation to the appropriate case would be greatly appreciated.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited.

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Respectfully,
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